

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0537-AIR-E TCEQ ID: RN100222140 CASE NO.: 33119
RESPONDENT NAME: Owens Corning

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Owens Corning-Randall County, 1701 Hollywood Road, Amarillo, Randall County</p> <p>TYPE OF OPERATION: Fiberglass manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 6, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468</p> <p style="margin-left: 20px;">Respondent: Mr. Matt Himic, Environmental Health & Safety Leader, Owens Corning, P.O. Box 8000, Amarillo, Texas 79114 Mr. Arthur C. Richards III, Plant Leader, Owens Corning, P.O. Box 8000, Amarillo, Texas 79114 CT Corporation System, Registered Agent, 350 North Saint Paul Street, Dallas, Texas 75201</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 17, 2007</p> <p>Date of NOE Relating to this Case: February 6, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>AIR</p> <p>Failure to submit a timely deviation report for the period November 1, 2005 to April 30, 2006, and failed to include all instances of deviations in the associated deviation report. Specifically, the deviation report was required to be submitted on or before May 30, 2006, to include the deviations for nitrogen oxides ("NO_x") and carbon monoxide exceedences noted during a stack test on March 28, 2006 and failure to submit the stack test results within 30 days of testing. The report was not submitted until January 22, 2007 [30 TEX. ADMIN. CODE § 122.145(2)(A), § 122.145(2)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$2,925</p> <p>Total Deferred: \$585 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,340</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Owens Corning has submitted a deviation report for the period of November 1, 2005 to April 30, 2006, on January 22, 2007.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	12-Feb-2007	Screening	2-Apr-2007	EPA Due	
	PCW	5-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Owens Corning
Reg. Ent. Ref. No.	RN100222140
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	33119	No. of Violations	1	
Docket No.	2007-0537-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Miriam Hall	
Multi-Media		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 42% Enhancement **Subtotals 2, 3, & 7** \$1,050

Notes The compliance history was enhanced by one non-similar NOV and two 1660-style Agreed Orders.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction **Subtotal 5** \$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent submitted a deviation report on January 22, 2007.

Total EB Amounts \$16 **0% Enhancement*** **Subtotal 6** \$0
Approx. Cost of Compliance \$500 ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$2,925

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$2,925

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$2,925

DEFERRAL 20% Reduction **Adjustment** -\$585

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$2,340

Screening Date 2-Apr-2007

Docket No. 2007-0537-AIR-E

PCW

Respondent Owens Corning

Policy Revision 2 (September 2002)

Case ID No. 33119

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100222140

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgments or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 42%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The compliance history was enhanced by one non-similar NOV and two 1660-style Agreed Orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 42%

Screening Date 2-Apr-2007

Docket No. 2007-0537-AIR-E

PCW

Respondent Owens Corning

Policy Revision 2 (September 2002)

Case ID No. 33119

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100222140

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 122.145(2)(A), 122.145(2)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a timely deviation report for the period November 1, 2005 to April 30, 2006, and failed to include all instances of deviations in the associated deviation report, as documented in an investigation conducted on January 17, 2007. Specifically, the deviation report was required to be submitted on or before May 30, 2006, to include the deviations for nitrogen oxides ("NOx") and carbon monoxide exceedences noted during a stack test on March 28, 2006 and failure to submit the stack test results within 30 days of testing. The report was not submitted until January 22, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

237 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$2,925

This violation Final Assessed Penalty (adjusted for limits) \$2,925

Economic Benefit Worksheet

Respondent: Owens Corning
Case ID No.: 33119
Reg. Ent. Reference No.: RN100222140
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	30-May-2006	22-Jan-2007	0.6	\$16	n/a	\$16
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a deviation report. The date required is the date the deviation was required to be submitted. The final date is the date the respondent submitted the report.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$16

Compliance History

Customer/Respondent/Owner-Operator:	CN600124838	Owens Corning Sales, Inc.	Classification: AVERAGE	Rating: 2.48																																																
Regulated Entity:	RN100222140	OWENS CORNING-RANDALL COUNTY	Classification: AVERAGE	Site Rating: 10.62																																																
ID Number(s):	<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 30%;">ACCOUNT NUMBER</td> <td style="width: 20%;">RB0010D</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1019</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXD084284132</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>31642</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>5042</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>28369</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>29306</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>44636</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>RB0010D</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX844</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4838100004</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX844M1</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>79254</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80038</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80555</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>81407</td> </tr> </table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	RB0010D	AIR OPERATING PERMITS	PERMIT	1019	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD084284132	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31642	AIR NEW SOURCE PERMITS	PERMIT	5042	AIR NEW SOURCE PERMITS	PERMIT	28369	AIR NEW SOURCE PERMITS	PERMIT	29306	AIR NEW SOURCE PERMITS	PERMIT	44636	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	RB0010D	AIR NEW SOURCE PERMITS	EPA ID	PSDTX844	AIR NEW SOURCE PERMITS	AFS NUM	4838100004	AIR NEW SOURCE PERMITS	EPA ID	PSDTX844M1	AIR NEW SOURCE PERMITS	REGISTRATION	79254	AIR NEW SOURCE PERMITS	REGISTRATION	80038	AIR NEW SOURCE PERMITS	REGISTRATION	80555	AIR NEW SOURCE PERMITS	REGISTRATION	81407
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Location:	1701 HOLLYWOOD RD, AMARILLO, TX, 79109		Rating Date: September 01 06 Repeat Violator: NO																																																	
TCEQ Region:	REGION 01 - AMARILLO																																																			
Date Compliance History Prepared:	March 30, 2007																																																			
Agency Decision Requiring Compliance History:	Enforcement																																																			
Compliance Period:	March 30, 2002 to March 30, 2007																																																			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: (512) 239-5610

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/08/2004	ADMINORDER 2002-1334-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
30 TAC Chapter 116, SubChapter B 116.115(c)	
5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov: Condition No. 1 PERMIT	
Description: Failure to meet the PM, NOx and HF emission standards of Permit No. 5042 / PSD-TX-844 during compliance testing of the Owens Corning, Amarillo Plant 10-01 Furnace on July 10, 2002.	
Classification: Moderate	
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
30 TAC Chapter 116, SubChapter B 116.115(c)	
5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov: Condition 1 PERMIT	
Description: Failure to meet the SO2 emission standard of Permit No. 5042 / PSD-TX-844 during compliance testing of Owens Corning, Amarillo Plant 10-01 Forehearth Stack (Stack 1) and 10-01 Heat Exchanger Stack (Stack 5) on July 11, 2002.	
Effective Date: 07/05/2004	ADMINORDER 2003-1400-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)	
30 TAC Chapter 122, SubChapter B 122.165[G]	

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit form OP-CR01, Certification by Responsible Official for the Federal Operating Permit Program, and the corresponding deviation report for the annual compliance period of October 1, 2001 - October 1, 2002.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/03/2002	(91250)
2	07/18/2002	(91251)
3	11/08/2002	(14699)
4	11/08/2002	(14794)
5	11/08/2002	(15116)
6	02/21/2003	(9320)
7	04/25/2003	(34849)
8	08/28/2003	(61991)
9	08/13/2004	(289257)
10	05/19/2005	(375770)
11	06/21/2005	(395845)
12	08/19/2005	(404600)
13	01/26/2006	(453121)
14	07/14/2006	(486074)
15	02/05/2007	(537166)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/19/2005 (375770)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(I)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Drums in SAAs were not closed at all times.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
OWENS CORNING
RN100222140**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0537-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Owens Corning under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Owens Corning appear before the Commission and together stipulate that:

1. Owens Corning owns and operates a fiberglass manufacturing plant at 1701 Hollywood Road in Amarillo, Randall County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Owens Corning agree that the Commission has jurisdiction to enter this Agreed Order, and that Owens Corning is subject to the Commission's jurisdiction.
4. Owens Corning received notice of the violations alleged in Section II ("Allegations") on or about February 11, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Owens Corning of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Nine Hundred Twenty-Five Dollars (\$2,925) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Owens Corning has paid Two Thousand Three Hundred Forty Dollars (\$2,340)

of the administrative penalty and Five Hundred Eighty-Five Dollars (\$585) is deferred contingent upon Owens Corning's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Owens Corning fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Owens Corning to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Owens Corning have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Owens Corning has submitted a deviation report for the period of November 1, 2005 to April 30, 2006, on January 22, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Owens Corning has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Owens Corning is alleged to have failed to submit a timely deviation report for the period November 1, 2005 to April 30, 2006, and failed to include all instances of deviations in the associated deviation report, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(A), 122.145(2)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 17, 2007. Specifically, the deviation report was required to be submitted on or before May 30, 2006, to include the deviations for nitrogen oxides ("NOx") and carbon monoxide exceedences during a stack test on March 28, 2006 and failure to submit the stack test results within 30 days of testing. The report was not submitted until January 22, 2007.

III. DENIALS

Owens Corning generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Owens Corning pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Owens Corning's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Owens Corning, Docket No. 2007-0537-AIR-E" to:

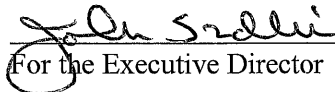
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Owens Corning. Owens Corning is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Owens Corning in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Owens Corning, or three days after the date on which the Commission mails notice of the Order to Owens Corning, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/7/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

5/16/07

Date

ARTHUR C. RICHARDS JR

Name (Printed or typed)
Authorized Representative of
Owens Corning

PLANT LEADER

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

